

**REGULAR MEETING  
of the  
CITY OF RIALTO  
CITY COUNCIL  
City of Rialto, acting as Successor Agency to the  
Redevelopment Agency  
RIALTO UTILITIES AUTHORITY**

**MINUTES  
September 8, 2015**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, September 8, 2015.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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**CALL TO ORDER**

Mayor Robertson called the meeting to order at 5:04 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Palmer, Ed Scott, and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee. Mayor Pro Tem Baca Jr. was absent.

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**CLOSED SESSION**

1. Conference with Legal Counsel – Existing Litigation: The city council will discuss the following pending litigation (s) pursuant to Government Code Section 54956.9 (d)(1):
  - (a) City of Colton V. American Promotional Events, Inc. et. al.  
CD Cal Case No. ED CV 09-01864 PSG (SSx) and consolidated cases.

## **CLOSED SESSION**

2. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.
3. Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:

- (a) Subject: Price and Terms - Contract of Sale  
Location: Rialto Municipal Airport Property  
(Generally, the southwest corner of Ayala Drive and Renaissance Parkway)  
Negotiators: Robb R. Steel, Asst.CA/Development Svs.  
Dir. Bryan Goodman, Lewis Hillwood Rialto, LLC.

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## **CLOSED SESSION**

Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to go into Closed Session at 5:04 pm. All of City Council returned at 5:54 pm. Mayor Pro Tem Baca Jr. was absent.

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## **CALL TO ORDER**

Mayor Robertson called the meeting to order at 6:04 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante. Mayor Pro Tem Joe Baca Jr. was absent.

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## **Pledge of Allegiance and Invocation**

Council Member Ed Palmer led the pledge of allegiance and Pastor Harry Bratton, Greater Faith Grace Bible Church gave the Invocation.

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## **City Attorney's Report on Closed Session**

City Attorney Galante stated that City Council met in Closed Session and discussed the one item listed under Closed Session on the Agenda.

- 1a. Existing Litigation, City of Colton V. American Promotional Events, Inc. et. al. City Council was briefed on the status and no further reportable action was taken.
- 1b. Hawkins v. City of Rialto. City Council heard an update and received information about a section 998 offer from the plaintiffs. By motion of Council Member Palmer, second by Council Member O'Connell and carried by a 4-0 vote, with Mayor Pro Tem Baca Jr. absent, to agree to settle for the amount of the 998 offer for \$34,999.99 in exchange for a full release of all claims.

**City Attorney's Report on Closed Session**

2. Conference with Legal Counsel. One item of anticipated litigation, a threat of litigation of one case. City Council heard an update and no reportable action was taken.
3. Conference with Real Property Negotiator to discuss the price and terms for a potential contract of sale for property at the Rialto Municipal Airport, generally located at the southwest corner of Ayla Drive and Renaissance Parkway. Lewis Hillwood Rialto, LLC.

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**PRESENTATIONS AND PROCLAMATIONS**

1. Presentation-CalGrip Program Update-M.H.M and Associates CEO Luvina Beckley Knight
2. Presentation-Property Pride Awards-Beautification - Commission Chairperson Andy Carrizales
3. Presentation-2014 Utilities Commission Annual Report -Vice Chairperson June Hayes
4. Presentation-Water Program Conservation Plan Update - Public Works Director Robert Eisenbeisz
5. Introduction of New Community Services Director: Perry Brents-City Administrator Mike Story

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**ORAL COMMUNICATIONS**

Adair Rutherford Buckner, I., expressed his concern regarding organized gang stalking and criminal harassment.

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Council Member O'Connell left the dais at 7:35pm and returned at 7:36 pm.

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David Phillips, announced he now sits Community Advisory Group for the SANBAG I-10/I-15 Corridor projects.

He expressed his concern that Bud Bender Park sits on an old dump. He asked if there was an environmental report on what the impact would be on digging that up.

He attended Coffee with the Chief, which was lightly attended but gave the Police Dept. kudos.

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Council Member O'Connell asked if an Environmental Impact Report was done on Bud Bender Park.

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City Administrator Story stated not when it was originally built. With the remodel they did an Environmental Mitigated Negative Declaration and the environmental assessment on the property.

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Council Member O'Connell asked if one can be provided to the public.

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## **ORAL COMMUNICATIONS**

Edward Brantley, Rialto Community Coalition, gave an update on their programs.

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Delia Carrillo, (Spanish speaker), representing the soccer team España, expressed her concern when the team was kicked out of the Rialto City park. They have over 40 kids on the team.

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Maricela Contreras, expressed her concern when the España soccer team was kicked out of the Rialto City park and now they have nowhere to practice.

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Mayor Robertson stated that this is a matter where she is understanding that they are trying to work with the schools and other sites to find another location for them to participate? They can hear all the comments but its working on a solution. She is hearing parents say they have kids that play soccer and there is no space. Is there a way to come up with a solution?

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City Administrator Story stated that he was at the field last week too. Knowing all the constraints they have of the parks. In two weeks bud Bender will be down and they will be one more park down. They just brought back part of Jerry Eaves Park after letting it rest and some construction work. They have 3 football leagues in town. They have 4 baseball leagues. They have various soccer leagues. They play year-round. They work with the school district and they are trying to find a way to make this all work. The real question is where people play, fields versus parks. There are designated fields and then there is park area designated to everybody else. When that space gets pressed then there is where the issues come. They will continue to work with them. They are working field usage requirements. The Recreation Commission is meeting tomorrow to start the process. They are working with the school district to see when their fields get pressed. They will try to accommodate field space for people as best they can and if not they will get them into the school district. The real press is how they share all this when there are less parks and there is park space for people to use v. field space for the active sports. They are all going to work on this together to make this happen.

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Mayor Robertson stated beyond the schools, hopefully they are looking at faith-based organizations.

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## **ORAL COMMUNICATIONS**

Ana Carrillo, expressed her concern regarding having a place for the soccer team to practice.

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Griselda Cortes, expressed her concern regarding having a place for the soccer team to practice.

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City Attorney Galante stated that it was mentioned that some of the comments seem repetitive. An option can be to have the interpreter explain the Mayor will have the City Administrator to look into this and this issue will be fully discussed at a later time.

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Ruben Jimenez, expressed his concern regarding having a place for the soccer team to practice.

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Mayor Robertson stated that there will not be decision made about resolving the parks. The City Administrator Story stated earlier that it is not about how they care for the parks. It's the space and availability of the parks.

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Ben Loza, expressed his concern regarding having a place for the soccer team to practice.

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Mayor Robertson stated again, by law there will be no action or decision made tonight from the City Council about the parks. She wants to make sure they understood this.

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Oscar, expressed his concern regarding having a place for the soccer team to practice.

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Mayor Robertson explained again that no decision will be made tonight. That City Administrator Story will work with staff toward a solution.

She asked that staff prepare a report for next City Council Meeting, because if they have been playing there for 3 years, there seems to be more to this than just all of a sudden people are out at the park. She hears there is a shortage of parks.

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## **ORAL COMMUNICATIONS**

Council Member Palmer stated that maybe there is a misunderstanding of where they are playing. He is the Council Member that got involved with this. The way he got involved is that he and the City Treasurer were in the Aqua Zumba class down at the pool on Tuesdays and Thursdays. While they were in the pool they heard balls being kicked into the walls and doors. After class they went out there and there are actual soccer leagues out there practicing. He would invite City Council to go out and look at the park. It may be clean, but there is no grass there anymore. He is surprised to hear that they have been there for 3 years and play their games down there. It's not a soccer field, it's a park. The other night they were using the entire park. They had at least 4 different programs. They had an adult league going on in front of the stage. All the parents were sitting in the workout area they built for people to work out in. He agrees that they need to get these people a place to play. It can't be a city park because it's now destroyed. They need more fields and they don't have the money right now. It's important to work on the Renaissance Project to get a bigger field. He doesn't know the answer just that if it was a baseball team and somebody came and said they wanted to use North Rialto Little League Park (Birdsall Park) for a baseball program. They would tell them sorry, they don't have enough fields. They don't have enough to accommodate everybody who wants to play. They have over 1000 kids playing at Rialto Youth Soccer League. That is over 80 teams playing on 6 fields.

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Council Member Scott stated that he agrees that this needs to be looked into more stringently. He is bothered by that Rialto residents don't have a place for their kids to go. He agrees that this is a way to keep kids off drugs and keep them from getting in trouble. He would like for staff to look into the situation with the school district because they had a lot of joint use parks and they were supposed to have access to their fields during non-school hours. Yet, it appears they are being rented out to others, even outside of the city. Those individuals are not taxpayers here. The taxpayers here have the right to use the fields and parks. They need to do an assessment of the parks to see where they can practice.

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Council Member O'Connell stated they hear what the parents are saying. The City has 50% less parks than what they should. He agrees with the getting the kids off the streets so they don't commit crimes. He agrees they should be developing a partnership with the schools. He knows they have outreached with them. They pledged with the School Board that they would all work together. The issue they are having right now is that as they use the parks they have to give them the chance to rest so they don't have to re-seed. They don't want them to play on mud otherwise they will get hurt. They heard what the parents said, so give the City a chance to find out how they can work it out and move forward.

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Mayor Robertson stated they should engage the youth members of the Rialto Community Coalition to help them look at some of the solutions.

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**Removing or Continuing  
Items**

Mayor Robertson stated that TAB 7 will be pulled from the Agenda until the next City Council Meeting.

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Council Member Palmer asked why are they pulling TAB 7 again?

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Mayor Robertson stated because Mayor Pro Tem Baca Jr. was not able to be here tonight. She would like for all members to be present.

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Council Member Palmer stated that he would like to have a vote on the contingency of that.

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City Attorney Galante stated that the rules say that the Mayor has a right to control the Agenda unless the majority object.

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Council Member O'Connell stated that he would like to make a comment on E.6 before they vote on it.

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City Administrator Story requested that TAB 5 be pulled from the Agenda.

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Fire Chief Fratus stated that they needed to make another adjustment to the Life Assist purchase order amount back in July so this would end up being a duplicate of that item in July. This action has already been taken.

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Council Member Palmer stated the reason he asked about TAB 7 was because he will not be at the next Council Meeting. It would need to be continued until the one after the next meeting.

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Mayor Robertson stated this was fine. The item is the appointment of an ad-hoc committee but this was brought forward by a department. This is not something that she feels is absolutely pressing.

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**Removing or Continuing  
Items**

Council Member O'Connell asked if there is a chance to get a list of who she will recommend? So far, when the Mayor makes the recommendation they receive the list at the dais. Is he being considered? He hasn't been approached or asked. He would like to be included.

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Council Member Scott asked that the Mayor make her recommendations tonight. If it passes, so be it. Then if it doesn't pass they can re-group in 2 weeks.

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Mayor Robertson stated no, based on Council Member O'Connell's suggestion, when they bring it back to City Council she was going to include it as part of the staff report of who she plans on recommending.

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**CONSENT CALENDAR**

**A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

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**B. APPROVAL OF WARRANT RESOLUTIONS**

**B.1** Resolution No. 08 (08/27/15)

**B.2** Resolution No. 09 (09/04/15)

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**C. APPROVAL OF MINUTES**

C.1 Regular City Council Meeting – August 25, 2015

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**D. SETTING OF PUBLIC HEARINGS**

D.1 Request City Council to Set a Public Hearing for September 22, 2015, to consider an appeal of the Planning Commission decision to deny Conditional Development Permit No. 769 and Variance No. 709 requesting a Type 21 (Off-Sale General) liquor license from the California Department of Alcoholic Beverage Control for the sales of general alcoholic beverages for off-site consumption at an existing convenience market located at 509 W. Foothill Boulevard within the C-P (Commercial Pedestrian) zone of the Foothill Boulevard Specific Plan.

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**E. MISCELANEOUS**

E.1 Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way and Alder Avenue Escrow Accounts for July 2015.



## **CONSENT CALENDAR**

- E.2 Request Rialto Utility Authority to Approve the Eighth Extension of Termination Date for the Site Use Agreement by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC.
- E.3 Request City Council to (1) Accept the Maple Avenue Storm Drain Improvements & Rialto Unified School District Ramp, City Project No. 150806; (2) Authorize Filing of the Notice of Completion; and (3) Release of Retention to Vailston Company, Inc.
- E.4 Request City Council to (1) Accept the 2014/15 Annual Curb, Gutter and Sidewalk Improvement Project, City Project No. 150803; (2) Authorize Filing of the Notice of Completion and (3) Release of Retention to Carvajal Trucking & Tractor, Inc.
- E.5 Request City Council to Adopt Resolution No. 6815 Approving Parcel Map 17957 for the Subdivision of a 3.81 Acres and Creation of 15 Residential Lots Located on the West Side of Cedar Avenue between Summit Avenue and Bohnert Avenue, and the Associated Subdivision Improvement Agreement.
- E.6 Request City Council to Approve the Contract Specifications and Authorize the Release of Request for Bids No. 16-016 for the 2015/2016 Annual Slurry Seal, City Project No. 160806.
- E.7 Request City Council to Approve the Contract Documents and Authorize the Release of Request for Bids No. 16-017 for the Baseline Road & Acacia Avenue Traffic Signal Upgrade Project, City Project No. 140815.
- E.8 Request City Council to Adopt Resolution No. 6816 for the Placement of Liens Against Abandoned Properties for Failure to Comply with Administrative Citation to Correct Code Violations.
- E.9 Request City Council to Accept the Fiscal Year 2015 U.S. Department of Homeland Security Grant Funds and Approve Budget Resolution No. 6817 to Increase Revenue and Appropriate Expenditures in the Amount of \$23,761.
- E.10 Request City Council to (1) Accept the Pepper Avenue Widening (Shamrock Street to Madrona Street) City Project No. 130811, Pepper Avenue Sound Walls, and Pepper Avenue Overlay, City Project No. 000893; (2) Authorize Filing of the Notice of Completion; and (3) Release of Retention to Mamco, Inc. (dba: Alabassi), a California corporation.
- E.11 Request City Council Project to (1) Accept the 2013/14 Citywide Roof Repairs City Project 100214; (2) Authorize Filing of the Notice of Completion; and (3) Release of Retention to Bell Roof Company, a California corporation.

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## **CONSENT CALENDAR**

### **E.6**

Council Member O'Connell stated that E.6 involves putting out to bid the annual slurry seal. He noticed that in the staff report that they are putting out \$1.5 million and \$1million for the General Fund, \$100,000 from Measure I, \$400,000 from the Gas Tax. What did they do last year? He thought they did \$1.6 million last year. He knows they recently increased the tax on the citizens for road repair. He wants to make sure that if they are charging the citizens the extra money to cover the roads that they are putting out their fair share.

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Robert Eisenbeisz, Public Works Director stated they are using the funds he is speaking about. That pavement fees is going towards another project for reconstruction of road surfaces or overlays. More substantial than just the slurry seals.

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Katie Nickel, Public Works Dept. stated that this will be the first year they use those funds. It's about \$600,000 they are using. That will be through the overlay project coming forward in October.

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Mr. Eisenbeisz stated that the streets have already been previously identified in the capital program. They will be able to keep it on target with those funds. One of the streets they are looking at is San Bernardino Ave. and whether they will have enough to include that in the project or not. They are evaluating that with the design consultant to get the best resurfacing they can for the dollars they have.

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Council Member O'Connell stated right now they are putting in \$1.5 million. Are they still committing the \$600,000 they used last year? Or did they drop it to \$500,000 and only relying on the citizens? Is the City still doing their fair share?

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Mr. Eisenbeisz stated that he would say the City is going beyond their fair share because the action that was taken in the budget to approve more funding. This is just the slurry seal. So this is just a preservation program. The dollars Council Member O'Connell is talking about is the pavement maintenance fee is being used for resurfacing.

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Council Member O'Connell stated that they are doing a good job overall. Some people had some concerns but he appreciates the fast response. He knows this is an issue for the citizens. AS they drive through the City, they know City Council has made this a priority and he wanted to make sure the City was doing their fair share.

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City Attorney Galante stated for clarification, TAB 7 will be postponed until October 13<sup>th</sup>.

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### **CONSENT CALENDAR**

Motion by Council Member Scott, second by Council Member O'Connell and carried by a 4-0 vote to approve the Consent Calendar as presented. Mayor Pro Tem Baca Jr. was absent.

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#### **TAB 1 – CDBG 14-15 Consolidated Annual Performance and Evaluation Report**

Rudy Munoz, CDG Consultant presented the staff report regarding the City's CDBG 2014-2015 Consolidated Annual Performance and Evaluation Report.

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Mayor Robertson declared the public hearing open.

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David Phillips, stated that he was expecting to speak on TAB 7 and they are delaying it again.

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Mayor Robertson explained he needs to speak in regards to TAB 1.

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David Phillips, stated how is he supposed to speak to TAB 7 when they keep putting it off?

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Mayor Robertson asked if he understood that TAB 1 deals with CDBG.

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David Phillips stated yes, he understands what the TAB item is. He asked if he was being removed from the podium?

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Mayor Robertson stated if Mr. Phillips is not going to speak in regards to TAB 1 then she will have to ask the Sergeant of Arms, if he is not going to speak in regards to TAB 1.

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City Attorney Galante stated for clarification, this is a public hearing on CDBG Funding.

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David Phillips stated according to the Brown Act, they were not supposed to address the soccer people and they went on and on about all that. So the Brown Act applies only when it's beneficial to the Council Members?

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**TAB 1 – CDBG 14-15 Consolidated Annual Performance and Evaluation Report**

City Attorney Galante stated that Council Members are allowed to respond briefly to issues raised.

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Motion by Council Member O'Connell, second by Council Member Scott and carried by a 4-0 vote to close the public hearing. Mayor Pro Tem Baca Jr. was absent.

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Mayor Robertson asked if there was anyone who responded or wrote within the 15 day period?

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Mr. Munoz stated that they did not receive any comments.

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Motion by Council Member Scott, second by Council Member Palmer and carried by unanimous vote to Approve the City's CDBG 2014-2015 Consolidated Annual Performance and Evaluation Report.

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Mayor Robertson stated for the public's information, the Sergeant of Arms in the audience is the Police Chief or the Captain.

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**TAB 2 - Vacation of Existing Excess Right-of Way**

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Vacation of Existing Excess Right-of-Way and Authorizing the City Administrator to execute a Quitclaim Deed to Convey Underlying title to Excess Right-of-Way for Casmalia Street between Linden Avenue and Locust Avenue and Existing Excess Right-of-Way for Linden Avenue between Casmalia Street and Norwood Street.

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Council Member Baca Jr. arrived at 8:20 p.m.

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Council Member O'Connell left the dais at 8:21 p.m.

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Mayor Robertson declared the public hearing open.

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Judy Roberts requested clarification of the location and she did not understand what vacation of existing access mean.

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**TAB 2 - Vacation of Existing  
Excess Right-of Way**

Tom Donahue, Cap-Rock Partners, Applicant, stated the location is Casmalia between Linden and Locust.

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Hector Gonzales, Public Works stated that he has copies of the exhibits. The location is the northwest corner of Casmalia and Linden Ave. and the proposed area to be vacated is the strip shown on the map.

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Mr. Eisenbeisz stated in regards to what a vacation is. There was right-of-way beyond what is needed for those streets for the General Plan. That right-of-way had been acquired by Caltrans during the 210 Freeway construction. With the completion of the freeway it is not unusual for Caltrans to relinquish any right-of-way they still hold back to the city. This was right-of-way that was relinquished back to the City but it was in excess of what is required for the General Plan.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by a 4-0 vote to close the public hearing. Council Member O'Connell was absent.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to Adopt Resolution No. 6818 Approving the Vacation of Existing Excess Right-of-Way and Authorizing the City Administrator to execute a Quitclaim Deed to Convey Underlying title to Excess Right-of-Way for Casmalia Street between Linden Avenue and Locust Avenue and Existing Excess Right-of-Way for Linden Avenue between Casmalia Street and Norwood Street. Council Member O'Connell was absent.

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**TAB 3 - Revised 2010 Urban Water  
Management Plan**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Revised 2010 Urban Water Management Plan.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to close the public hearing. Council Member O'Connell was absent.

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**TAB 3 - Revised 2010 Urban Water Management Plan**

Mayor Robertson stated it was stated that there would be selection of the consultant and will everyone participating on the Regional Water Plan have someone who will participate in that process of selecting a consultant?

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Mr. Eisenbeisz stated that they have put it out there for all the participating agencies to have a representative on that selection committee.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Adopt Resolution No. 6819, the Revised 2010 Urban Water Management Plan.

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Mayor Robertson stated that she just spoke to the City Attorney and Council Member Baca Jr. has joined them, he asked if they can go back and reconsider TAB 7. She can ask City Council if they want to place the Tab back on the agenda.

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Council Member O'Connell returned to the dais at 8:29 p.m.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to place TAB 7 back on the Agenda

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**TAB 4 – CIP Program Support and Document Scanning Support**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Approve a Sixth Amendment to the Professional Services Agreement with Lynn Merrill for CIP Program Support and Document Scanning Support.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to Approve a Sixth Amendment to the Professional Services Agreement with Lynn Merrill in the Amount of \$35,184.80 for CIP Program Support and Document Scanning Support for Fiscal Year 2015/16 for a total amended compensation of \$455,091.91.

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**TAB 5 – Purchase Order for Life-Assist**

This item was removed from the Agenda.

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**TAB 6 - Declaring that no fines or other penalties shall be issued for maintaining brown lawns**

City Attorney Galante presented the staff report regarding declaring that no fines or other penalties shall be issued for maintaining brown lawns or for otherwise complying with the City's water conservation requirements during a proclaimed drought emergency.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Adopt Resolution No. 6820 declaring that no fines or other penalties shall be issued for maintaining brown lawns or for otherwise complying with the City's water conservation requirements during a proclaimed drought emergency or when the City Council establishes a stage of water conservation beyond Stage 1 pursuant to Chapter 12.20 of Title 12 of the Rialto Municipal Code.

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**TAB 7 – AdHoc Subcommittee - Renaissance Specific Plan**

Robb Steel, Development Services Director presented the staff report regarding creating an AdHoc SubCommittee to advise regarding Proposed Changes to the Renaissance Specific Plan.

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Mayor Robertson asked if City Attorney Galante could address the concerns they had with regards to the reporting process. The AdHoc SubCommittee will need to report back to the Economic Development Committee or directly to City Council?

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City Attorney Galante stated that a committee is created for a certain purpose and that purpose has a limited life span so long as there is less than 2 members of City Council that can meet without complying with the requirements of the Brown Act specifically for the reasons identified by Mr. Steel. The EDC would not have that opportunity because they are a standing committee. Because that committee has to meet in public these topics are not within the category of exemptions. Real Property negotiations are one such category. These are negotiations over the Specific Plan.

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David Phillips expressed his concerns regarding the Renaissance Specific Plan and being overburdened with warehouses.

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Council Member Palmer stated that when this was first brought to City council he asked for it to be pulled because he had some concerns about the necessity for this. It seemed way too broad of things to discuss for the AdHoc Committee. He didn't have a problem with it going forward tonight.

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**TAB 7 – AdHoc Subcommittee - Renaissance Specific Plan**

Mayor Robertson stated that the reason why she wanted to wait for full City Council was because her recommendation is Mayor Pro Tem Baca Jr. and Council Member Scott. They had a conversation that the AdHoc committee could be a duplication of the EDC and then they wouldn't have to report back to a body. Also, she feels they can have those two representing in the AdHoc and either one can report back and report back to the full body in Closed Session.

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Council Member O'Connell stated over time they have all talked about this as it has come up. This is their last chance with a development. He appreciates the fact that they all know who is on the AdHoc.

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Motion by Council Member O'Connell, second by Council Member Palmer and carried by unanimous vote to Appoint an Ad Hoc Subcommittee of Mayor Pro Tem Baca Jr. and Council Member Scott for the Purpose of Negotiating Changes in the Contracts of Sale for the Renaissance Rialto Project, to Negotiate the Terms of a Development Agreement, and Advise regarding Proposed Changes to the Renaissance Specific Plan.

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**TAB 8 – Residential Rooftop Solar Energy Systems**

Robb Steel, Development Services Director presented the staff report regarding an expedited streamlined permitting process for small residential rooftop solar energy systems.

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City Attorney Galante read the title of the Ordinance:

ORDINANCE NO. 1562

AN ORDINANCE OF THE CITY OF RIALTO TO AMEND THE MUNICIPAL CODE BY ADDING CHAPTER 15.05 TO PROVIDE FOR AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

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Motion by Council Member Palmer, Second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to introduce by first reading of Ordinance No. 1562, entitled "AN ORDINANCE OF THE CITY OF RIALTO TO AMEND THE MUNICIPAL CODE BY ADDING CHAPTER 15.05 TO PROVIDE FOR AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS", reading by title only and waiving further reading thereof.

The vote was; AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Members Palmer, Scott and O'Connell. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 9 – Operating Memorandum to the Development Agreement - I-210 Logistics Center II Fund IX, LLC**

Robb Steel, Development Services Director presented the staff report regarding the Operating Memorandum to the Development Agreement by and between the City of Rialto and I-210 Logistics Center II Fund IX, LLC.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to Adopt Resolution No. 6821 Approving an Operating Memorandum to the Development Agreement by and between the City of Rialto and I-210 Logistics Center II Fund IX, LLC.

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**TAB 10 – Amended and Restated Construction Reimbursement Agreement – Advance from Airport Escrow Fund**

Robb Steel, Development Services Director presented the staff report regarding Amended and Restated Construction Reimbursement Agreement by and between the City of Rialto and Lewis-Hillwood Rialto Company, LLC.

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Motion by Council Member Scott, second by Council Member Palmer and carried by unanimous vote to adopt Resolution No. 6822 Approving an Amended and Restated Construction Reimbursement Agreement by and between the City of Rialto and Lewis-Hillwood Rialto Company, LLC and Adopt Resolution No. 6823 authorizing an Advance of \$805,780 from the Airport Escrow Fund.

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**TAB 11 – Construction and Credit Agreement – Walmart Stores**

Robb Steel, Development Services Agreement presented the staff report regarding the Construction and Credit Agreement by and between the City of Rialto and Wal-Mart Stores, Inc.

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Mayor Pro Tem Baca Jr. stated that this project is very important to some people. The amount of tax revenue that it will bring in and the potential sites for future restaurants and future pads. They will have a vacant building at some point and City Council will have to make a decision on where they go with that. There is also some acreage of property that they control the sites.

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Mr. Steel stated that they own the 18 acres between the old store and the new store. The Successor Agency owns the acres.

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Council Member Baca Jr. stated that it's important that they look at those 18 acres and that they have a good strong development come in that is good for the residents. The residents are hungry for quality development and amenities. They need to keep the project moving forward.

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**TAB 11 – Construction and Credit Agreement – Walmart Stores**

Council Member Scott stated that he agrees with everything Mayor Pro Tem Baca Jr. said. Do they have a groundbreaking date yet?

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Mr. Steel stated that they are narrowing down to October 22<sup>nd</sup>.

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Council Member Palmer stated that he agrees with everyone. This is a catalyst for the rest of the development. He has seen conceptual designs for the other 18 acres already.

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Mr. Steel stated that they did some a few years ago and they did discuss this property with EDC in June. They directed staff to try to work up a request for qualifications or proposals to start setting some goals and objectives for that location.

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Council Member Palmer stated that it will be good to see some quality development from San Bernardino Ave. to Valley Blvd.

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Council Member O'Connell stated a citizen said they were moving back to LA for a job and his wife said to stay in Rialto. There are various developments that the City is working on and moving forward with.

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Mayor Robertson stated yes, there is a renewed discussion for the 18 acres. When speaking with the developer on the groundbreaking date and they talked about the 18 acres and the old Walmart building. There is an opportunity for another big entity that may want to come in. They do need to think about what they want to see down there. Yes, it's been a long time coming.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to adopt (1)Resolution No. 6824 approving a Construction and Credit Agreement in the amount of \$593,777 by and between the City of Rialto and Wal-Mart Stores, Inc. and (2)Budget Resolution No. 6825 to Increase Expenditures from Fund Account 250-500 4672-3001.

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**TAB 12 – Mobile Home Repair Program - CDBG Funded**

Robb Steel, Development Services Director presented the staff report regarding the Mobile Home Repair Program Funded by the Fiscal Year 2015-16 Community Development Block Grant Program.

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**TAB 12 – Mobile Home Repair Program - CDBG Funded**

Mayor Pro Tem Baca Jr. stated that this is a great program. He thinks it's important that they reach out to the low income residents in the community.

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Council Member Palmer asked if this can be done with prevailing wage type of repairs.

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Robb Steel stated that this is CDBG and there is an exemption for less than 4 units. On single family homes and mobile homes the prevailing wage doesn't apply.

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Council Member Palmer stated that he noticed that part of the ineligible requirements was evaluation of the mobile home. Typically, if its old enough and it needs repairs it may be ineligible because of the value of the mobile home.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Approve the Program Description for the Mobile Home Repair Program Funded in the amount of \$60,000 by the Fiscal Year 2015-16 Community Development Block Grant Program.

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**TAB 13 – Facility Operation Agreement – KORE Infrastructure**

Robb Steel, Development Services Director presented the staff report regarding the Facility Operation Agreement by and among the City of Rialto, the Rialto Utility Authority, and KORE Infrastructure LLC – to receive bio-solids from various wastewater treatment plants in the region and convert it to a low sulfur diesel fuel and bio-charred product.

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Council Member Scott stated that he knows there are people in the community who think City Council doesn't do anything when they sit on committees. This is one case where it's not true. He and the Mayor sitting on the EDC were tough on staff and the KORE representatives on making sure that this was a win-win for both. He is pleased to see that staff has carried through with their wishes and desires. He thinks this going to be a really good project for the City.

When speaking with Mr. Anderson he indicated that there was a significant amount of water coming off that and into the Colton sewer line which could be used for gray-water watering of some areas. They need to work with them to use that water in a productive way.

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**TAB 13 – Facility Operation Agreement – KORE Infrastructure**

Mayor Pro Tem Baca Jr. commended the Mayor and Council Member Scott for their diligence on the EDC. They were looking out for the best interest of the residents and potential revenue for the city.

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Mayor Robertson stated that this is a project of technology, which should be in the industrial area of the City. Some of their initial concerns was the location of the project being right on Riverside Ave. She has a meeting scheduled to see how they can use the gray water.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Adopt Resolution No. 6826 approving the Facility Operation Agreement by and among the City of Rialto, the Rialto Utility Authority, and KORE Infrastructure LLC.

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**REPORTS**

City Council gave their reports.

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**ADJOURNMENT**

Motion by Mayor Pro Tem Baca Jr., second by Council Member O'Connell and carried by unanimous vote to adjourn the City Council meeting at 9:45 p.m. in honor of:

**Jennifer Jones,**  
**Rialto Resident, Eisenhower High School Graduate**  
**Nicholas McKenzie,**  
**Administrator/Principal/Teacher Bloomington Christian School**

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